

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

JOSE R. SOTO VILLANUEVAS
JOCELINE ORTIZ POLACO

Debtors

JOSE R. SOTO VILLANUEVAS
JOCELINE ORTIZ POLACO
ERIC NIEVES
CARMEN MALDONADO

Plaintiffs

v.

FIRST BANK PUERTO RICO;
SANTANDER FINANCIAL SERVICES, INC.

Defendants

Case No. 16-08627

Chapter 13

Adv. P. No. 22-00023

Re: Willful Violation of the Discharge
Injunction; Actual and Punitive
Damages

MOTION REQUESTING DEFAULT JUDGMENT

TO THE HONORABLE COURT:

COMES NOW, Plaintiffs, **José R. Soto Villanueva** and **Joceline Ortiz Polaco**, Plaintiff **Eric Nieves**, Plaintiff **Carmen Maldonado** on behalf of themselves and pursuant to Rule 23 of the Federal Rules of Civil Procedure all others similarly situated (collectively, “Plaintiff” and/or “Plaintiffs”), through the undersigned counsel, and before this Honorable Court respectfully **STATE, ALLEGE** and **PRAY** as follows:

1. On November 28, 2022, Defendant Santander Financial Services LLC. (hereinafter referred as “Santander”) was served with a copy of the Amended Complaint and Summons. *See*, Certificate of Service at Dk. #38

2. Santander, however, did not answer the Complaint or otherwise pleaded in the instant proceedings. Accordingly, on February 1, 2023, Plaintiffs requested this Honorable Court for the entry of default against Santander. *See*, Dk. #39

3. Thereafter, on February 2, 2023, this Honorable Court issued an Order entering Santander's default for failure to plead or otherwise defend in this case as required by law. *See*, Dk. #40.

4. Accordingly, Plaintiffs respectfully request this Honorable Court to enter an Order for Default Judgment against Santander.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter an Order for Default Judgment against Santander Financial Services Inc. in the instant proceedings.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this date I filed the above document with the Clerk of the Court using the CM/ECF system, which sends notification of such filing to all of those who in this case have registered for receipt of notice by electronic mail. I further certify that this same date we have mailed by United States Postal Service the document to:

Rafael Bonilla (Agent)
PO Box 362589
San Juan, PR. 00936-2589

Manuel Aya (President)
221 Ave. Ponce de León,
Suite 1003
San Juan, PR. 00917

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 24th day of February 2023.

THE BATISTA LAW GROUP, PSC.

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/s/ Jesus E. Batista Sánchez

Jesus E. Batista Sánchez,

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